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Thomson Licensing LLC P.O. Box 5312 Two Independence Way PRINCETON, NJ 08543-5312			EXAMINER CHAO, MICHAEL W	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,556

Applicant(s)

LI ET AL.

Examiner

Michael Chao

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-9, 11, 13, 15-17, 19-22, 24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick (US 2001/0055951), in view of Shachor (US 6,947,992).

With respect to claim 1, Slotznick teaches; A method for remote side downloading (RSD) comprising:

- establishing a session between a local computer and a content server having a resource locator; ("the TV Phone allows the user to surf the Internet" paragraph [0016])
- selecting a content file to be downloaded from the content server; ("the telephone device includes a display screen which displays content" paragraph [0092])
- selecting a remote site geographic drive to which the content file is to be downloaded from the content server; ("transmit data to a nearby television screen or computer screen to be displayed" paragraph [0016])
- sending the packed information to a remote site computer from the local computer; (paragraph [0095])
- wherein the remote site computer uses the packed information to download the selected

1 content file to the selected geographic drive. ("the local control device receives the
2 signal and transmits a request over an electronic network to retrieve the content"
3 paragraph [0096])

4 Slotznick may not explicitly disclose the limitations; "receiving at least one
5 message of the session; packing information comprising the message of the session
6 and the resource locator;"

7 Shachor discloses such limitations; "The session ID is preferably stored by the
8 client in the form of a cookie. The Web site pages are coded so that when the client
9 subsequently accesses the Web site again, the session ID is included in the client's
10 HTTP request." (Shachor column 2 line 26)

11 A person of ordinary skill in the art would have used the session ID's disclosed
12 by Shachor with the telephone control and set top box device of Slotznick by adapting
13 the system of Slotznick to accommodate session ID's, therefore, allowing the set top
14 box access to the users session.

15 It would have been obvious at the time the invention was made to a person of
16 ordinary skill in the art to include the session ID's of Shachor in Slotznick in order to
17 accommodate web sites that "remember state information from one session to the next"
18 (Shachor column 1 line 34)

19 Regarding claim 2, the combination discussed above teaches; wherein the local
20 computer has a RSD program configured to pack the information and send the
21 information to a remote site computer. ("the electronic address of the content is
22 communicated from the telephone device to the local control device" paragraph [0095])

1 Regarding claim 4, the combination discussed above teaches; wherein the
2 message of the session includes data, comprising information selected from the group
3 consisting of authentication information, authorization information, and session duration
4 information. ("input from the phone may . . . enables the set-top box to descramble a
5 pay per view movie or channel (while charging the user's account or credit card)"
6 paragraph [0030])

7 Regarding claim 5, the combination discussed above teaches; wherein the
8 session is a web session. (paragraph [0016])

9 Regarding claim 6, the combination discussed above teaches; wherein the
10 message of the session is a web browser cookie. ("The session ID is preferably stored
11 by the client in the form of a cookie. The Web site pages are coded so that when the
12 client subsequently accesses the Web site again, the session ID is included in the
13 client's HTTP request." Shachor column 2 line 26)

14 Regarding claim 7, the combination discussed above teaches; wherein the
15 content file is represented by the resource locator which comprises the packed
16 information identifies the selected content file for the remote site computer. (paragraph
17 [0095])

18 Regarding claim 8, the combination discussed above teaches; wherein the local
19 computer establishes the session via a first access network and the remote computer
20 downloads the content file via a second access network. ("the phone line is the input
21 and output for the telephone portion of the TV Phone. The cable from the television is
22 used to send the signal from the TV blinking interval" paragraph [0019])

1 Regarding claim 9, the combination discussed above teaches; wherein the
2 geographic drive is at a fixed location. (paragraph [0095])

3 Regarding claim 11, the combination discussed above teaches; wherein the
4 geographic drive is at a hotspot. ("in an alternate embodiment, the wireless transmitter
5 is built into the TV and is not a separate set-top box" paragraph [0024])

6 Regarding claim 13, the combination discussed above teaches; wherein the
7 remote site computer has an RSD server program to download the file from the content
8 server using the resource locator and message of the session (paragraph [0096]) or
9 assigns a caches server to download the file from the content server and store the file
10 until the computer associated with the geographic drive is available to receive the
11 content file from the cache server.

12 Regarding claim 15, the combination discussed above teaches; wherein the
13 session between the local computer and the content server is a secured session and
14 the content file is purchased using a credit card, wherein the content server uses the
15 message of the session to assure that the downloading request is authentic. (paragraph
16 [0030])

17 Regarding claim 16, the combination discussed above teaches; wherein the
18 geographic drive is a location dependent storage on a local computer comprising a map
19 containing data comprising one or more of a name of an associated network,
20 (paragraph [0019]) a user ID of the associated access network, a password of the
21 associated access network, a geographical location of a static location or a dynamic

1 hotspot location, and an RSD assignment command comprising executables and
2 parameters to be made when the geographic drive is accessed.

3 Regarding claim 19, the combination discussed above teaches; wherein the
4 content file is a multimedia file. (paragraph [0030])

5 Regarding claim 20, the combination discussed above teaches; wherein the
6 content file is a movie file. (paragraph [0030])

7 Regarding claim 21, the combination discussed above teaches; wherein the
8 packed information is sent to the remote site computer as an instant message, an e-
9 mail with an attachment comprising the packed information, or an HTTP request. ("The
10 session ID is preferably stored by the client in the form of a cookie. The Web site pages
11 are coded so that when the client subsequently accesses the Web site again, the
12 session ID is included in the client's HTTP request." Shachor column 2 line 26)

13 With respect to claim 22, the combination discussed above teaches; A system for
14 remote site downloading (RSD) comprising a local computer configured to enable
15 selection of a geographic drive (paragraph [0016]) and for packing information
16 comprising a session cookie and a URL (paragraph [0095]) and sending the packed
17 information to a remote site computer (paragraph [0095]) for automatic downloading of
18 a content file selected during a session between the computer and a content server.
19 (paragraph [0096])

20 Regarding claim 24, the combination discussed above teaches; wherein the local
21 computer is a mobile device (paragraph [0016]) and the remote site computer has a

broadband connection, (paragraph [0019]) wherein the broadband connection is wireless or wired. (paragraph [0019])

With respect to claim 26, the combination discussed above teaches; A system for facilitating the transferring a content file from a web content server to a geographic drive on a remote site computer comprising means for providing a proxy comprising a cookie and a URL which controls the downloading of the content file from the web content server; and means for transmitting the proxy to the remote site computer. (paragraph [0095])

Regarding claim 17, the combination discussed above teaches; wherein the geographic drive map provides the address, (It is inherent that a network device will have an address.) user ID, password, and the RSD assignment. (paragraph [0030]). the combination discussed above does not explicitly teach; geographical location. It would, however, have been obvious that such information should be provided to the kiosk of Figure 15 to determine the efficacy of the content being presented at that location. A person would have done this by storing the actual location of the kiosk. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to store the location of the kiosk in order to compare usage data at various locations.

Claims 1, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feigenbaum (US 6,377,974), in view of Shachor (US 6,947,992).

With respect to claim 1, Feigenbaum teaches; A method for remote side downloading (RSD) comprising:
establishing a session between a local computer and a content server having a

resource locator; ("clicking on a Hypertext Markup Language link in a web page"

Feigenbaum column 3 line 65)

selecting a content file to be downloaded from the content server; ("a file to be

downloaded is indicated at client 10" Feigenbaum column 3 line 62)

selecting a remote site geographic drive to which the content file is to be downloaded

from the content server; ("or may request that proxy server 16 known to client 10 . . .

download the file from the server 12 to itself" column 4 line 12)

sending the packed information to a remote site computer from the local computer

("After detecting the premature termination of the download, client 10 requests from

proxy server 16 the portion of the file that has not yet been downloaded from server 12"

Feigenbaum column 3 line 6)

wherein the remote site computer uses the packed information to download the selected

content file to the selected geographic drive. ("In response to the request from client 10,

proxy server 16 downloads the file from server 12." Feigenbaum column 3 line 12)

Feigenbaum may not explicitly disclose the limitations; "receiving at least one

message of the session; packing information comprising the message of the session

and the resource locator;"

Shachor discloses such limitations; "The session ID is preferably stored by the

client in the form of a cookie. The Web site pages are coded so that when the client

subsequently accesses the Web site again, the session ID is included in the client's

HTTP request." (Shachor column 2 line 26)

1 A person of ordinary skill in the art would have used the session ID's disclosed
2 by Shachor with the proxy download device of Fiegenbaum by adapting the system of
3 Fiegenbaum to accommodate session ID's, therefore, allowing the proxy server access
4 to the users session.

5 It would have been obvious at the time the invention was made to a person of
6 ordinary skill in the art to include the session ID's of Shachor in Fiegenbaum in order to
7 accommodate web sites that "remember state information from one session to the next"
8 (Shachor column 1 line 34)

9 Regarding claim 10, the combination discussed above may not teach; wherein
10 the geographic drive is at a dynamic location. However, it is evident that the proxy
11 server is not incapable of being located in a new building or rack or being moved for
12 maintenance alone. It is therefore obvious that the proxy server would be capable of
13 being moved. A person of ordinary skill in the art would have moved the proxy server by
14 changing the location of the server within the building, or changing the building it was
15 housed in. It would have been obvious at the time the invention was made to a person
16 of ordinary skill in the art to move the proxy server in order to place it in a more desirous
17 location.

18 Regarding claim 12, the combination discussed above teaches; wherein the
19 remote site computer downloads the file from the content server using the resource
20 locator and the message of the session to store the content file in a cache server until
21 the computer associated with the geographic drive is available to retrieve the content
22 file from the cache server. ("and client 10 downloads the entire file from proxy server 16

1 using conventional download and download resume techniques" Feigenbaum column 4
2 line 28) ("while many client connections, such as dial-up connections, transmit and
3 receive data at rates of less than 10 kilobytes per second." Feigenbaum column 3 line
4 20)

5 Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over
6 Feigenbaum in view of Shachor as applied to claim 1 above, and further in view of
7 Stefanik et al. (US 6,959,285).

8 Regarding claim 14, the combination discussed above teaches; the cache server
9 has an RSD server program that receives the packed information, downloads the
10 selected content file from the content server using resource locator and message of the
11 session. The combination discussed above does not teach; wherein the geographic
12 drive is a mobile computer and the remote site computer is a cache server at a hotspot,
13 and stores the content file until the mobile computer signs in at the hotspot and then
14 downloads the content file from the cache server to the mobile computer geographic
15 drive. Stefanik teaches such limitations; wherein the geographic drive is a mobile
16 computer and the remote site computer is a cache server at a hotspot, ("and initiates a
17 wireless session with the software ATM" Stefanik column 11 line 13) and stores the
18 content file until the mobile computer signs in at the hotspot and then downloads the
19 content file from the cache server to the mobile computer geographic drive. ("At step
20 760 the user can download the selected program into the portable computer system
21 after the purchase/rental transaction is complete." Stefanik column 11 line 40). A person
22 of ordinary skill in the art would have used the mobile computer and software ATM

1 system of Stefanik with the proxy combination discussed in claim 1 by allowing
2 customers with mobile computers to proxy software at "ATM" stations for purchase
3 ("Since the software titles are low priced, the payment can be made by cash insertion,
4 or, by a user's credit or debit card" Stefanik column 3 line 33). It would have been
5 obvious at the time the invention was made to a person of ordinary skill in the art to use
6 the proxy combination discussed in claim 1 with the mobile computer and ATM system
7 of Stefanik in order to charge customers for the bulk downloading service provided.

8 Claims 3, 18, 23, 25, 27-29 are rejected under 35 U.S.C. 103(a) as being
9 unpatentable over Slotznick, in view of Shachor, in view of Emens et al. (US 6,934,735)

10 Regarding claims 3, 18, 23, 27, the combination discussed above does not
11 teach; wherein the RSD program is a plug-in in a web browser. Emens discloses a
12 browser plug-in designed to perform a download. (Emens column 3 line 30). A person of
13 ordinary skill in the art would have used a modified the invention of Slotznick in view of
14 Shachor with the invention of Emens by including the functionality of the web-cell-tv as
15 a browser add-on. It would have been obvious at the time the invention was made to a
16 person of ordinary skill in the art to provide the functionality of Slotznick in view of
17 Shachor as a browser plug-in in order to allow it to be sold separately.

18 Regarding claim 25 Slotznick, in view of Shachor teaches; A system for
19 facilitating remote site downloading (RSD) of a content file selected using a first
20 computer from a content web server for downloading to a remote computer geographic
21 drive comprising programming in the first computer comprising a browser (paragraph
22 [0016]) which enables identification of a remote computer geographic drive for receiving

1 and storing the selected content file, (paragraph [0016]) packs information comprising a
2 cookie, and sends the packed information comprising the cookie to the remote
3 computer, (paragraph [0095]) the packed information comprising a cookie functioning to
4 cause the remote computer to automatically requested the content web server to
5 download the content file to the geographic drive. (paragraph [0096])

6 Slotnick in view of Schachor does not disclose a browser plug-in. Emens
7 discloses a browser plug-in designed to perform a download. (Emens column 3 line 30).
8 A person of ordinary skill in the art would have used a modified the invention of
9 Slotnick in view of Shachor with the invention of Emens by including the functionality of
10 the web-cell-tv as a browser add-on. It would have been obvious at the time the
11 invention was made to a person of ordinary skill in the art to provide the functionality of
12 Slotnick in view of Shachor as a browser plug-in in order to allow it to be sold
13 separately.

14 Regarding claim 28, Slotnick, in view of Shachor teaches; A computer readable
15 storage medium comprising a computer readable plug-in program for a web browser to
16 be employed on a local computer, the plug-in program enabling transfer of a content
17 requesting session between the local computer and a content web server by packing
18 information comprising one or more cookies received on the local computer from the
19 content web server and a URL for the requested file on the content web server,
20 (paragraph [0095]). The combination discussed above does not teach; sending the
21 packed information by instant messenger, an e-mail with the information attached, or an
22 HTTP request. However it would have been obvious to use HTTP to transmit data. A

1 person of ordinary skill in the art would have done this by using HTTP to transfer all
2 media request data between the TV Phone and the base station. It would have been
3 obvious at the time the invention was made to a person of ordinary skill in the art to use
4 HTTP as a transfer protocol in order to bypass typical firewalls, and because it is a well
5 known standard.

6 Slotznick in view of Schachor does not disclose a browser plug-in. Emens
7 discloses a browser plug-in designed to perform a download. (Emens column 3 line 30).
8 A person of ordinary skill in the art would have used a modified the invention of
9 Slotznick in view of Shachor with the invention of Emens by including the functionality of
10 the web-cell-tv as a browser add-on. It would have been obvious at the time the
11 invention was made to a person of ordinary skill in the art to provide the functionality of
12 Slotznick in view of Shachor as a browser plug-in in order to allow it to be sold
13 separately.

14 Regarding claim 29, the combination discussed above teaches; A computer
15 readable storage medium comprising a computer readable web browser program
16 having the plug-in program of claim 27. (Emens column 3 line 30).

Response to Arguments

17
18
19 Applicant's arguments, see page 9, filed 02/04/2009, with respect to the
20 rejection(s) of claim(s) 3, 18, 23, 25, and 27-29 under 35 USC 103 have been fully
21 considered and are persuasive. Therefore, the rejection has been withdrawn.
22

However, upon further consideration, a new ground(s) of rejection is made in view of Slotznick, in view of Shachor, in view of Emens.

Applicant's arguments filed 4/27/2009 have been fully considered but they are not persuasive.

In response to applicant's arguments (page 8) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicants further arguments depend on those addressed, and are persuasive or not as discussed above.

Conclusion

A shortened statutory period for response to this action is set to expire **three months** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chao, whose telephone number is (571) 270-5657. The examiner can normally be reached on M-T from 9:00 a.m. to 4:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Andrew Caldwell, can be reached at (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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- 1 you have questions on access to the Private PAIR system, contact the Electronic
- 2 Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
- 3 USPTO Customer Service Representative or access to the automated information
- 4 system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
- 5

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chao whose telephone number is (571)270-5657. The examiner can normally be reached on 8-4 Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C./
Examiner, Art Unit 2442

/Andrew Caldwell/
Supervisory Patent Examiner, Art
Unit 2442